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Paper No. 11

APPLIED MATERIALS, INC.
2881 SCOTT BLVD., M/S 2061
SANTA CLARA CA 95050

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In re Application of
Gilad Almogy et al
Application No. 09/986,137
Filed: November 7, 2001
Attorney Docket No. 005426/02

: OFFICE OF PETITIONS
: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 21, 2003, under 37 CFR 1.137(f), which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application.

The petition is dismissed as **MOOT**.

An applicant who makes a nonpublication request under 35 U.S.C. 122(b)(2)(B)(i) and then rescinds (pursuant to 35 U.S.C. § 122(b)(2)(B)(ii)) the nonpublication request **before or on the date a counterpart application is filed in an eighteen-month publication country**, the nonpublication request will be treated as annulled and the application will be treated as if the nonpublication request were never made. See Notice published on www.USPTO.gov on June 6, 2003, which clarifies the USPTO's interpretation of the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv).

In the instant application, a notice to rescind was filed prior to the filing date of a corresponding application in a foreign country. Therefore, since the filing of the request to rescind prior to the filing date of a corresponding application in a foreign application resulted in the annulling of the nonpublication request, this application is not regarded as abandoned. As such, the filing of a petition to revive is unnecessary and is dismissed as involving a moot issue.

Since this application is not in fact abandoned for the reason stated above, petitioner may request a refund of the petition fee by writing to the Office of Finance Refund Section. A copy of this **notice** should accompany the request.

Instant petition and future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to Technology Center Art Unit 2881.

Any inquiries concerning this decision may be directed to Karen Creasy at (703)305-8859.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

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